

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

RULES ON AUTOMATIC CLOSURE OF INACTIVE  
DOCKETS

Docket No. RM2015-8

**INITIAL COMMENTS OF THE UNITED STATES POSTAL SERVICE**  
(June 8, 2015)

The United States Postal Service hereby submits its initial comments on the Commission's proposal to automatically close a docket where there has been no activity for at least twelve consecutive months.

The Postal Service agrees that this change would generally promote efficient docket management and clarity for the public because it would clear out items that litter the Commission's webpages of active dockets. This is particularly true of open-ended proceedings in which the Commission does not intend to issue a final order, such as a public inquiry or "PI" dockets. It also makes sense in connection with dockets that have remained open following a final Commission order, due to either inadvertence or an expectation that parties may file supplemental materials.

The Postal Service is concerned about the proposed rule's effect on a third category of proceeding – those in which participants are still awaiting a final Commission order that has been extraordinarily delayed. Without an allowance for this scenario, the proposed rule would appear to force the automatic closure of even these dockets, with the perverse result of more uncertainty for participants awaiting substantive, not just administrative closure. The concern is not merely theoretical. The

Commission is aware of recent dockets that have lasted more than one year.<sup>1</sup> At least two dockets presented this very scenario, spanning more than 12 months between the last record activity and the Commission's final order.<sup>2</sup>

To that end, the Postal Service suggests adding language to proposed section (a) as follows: (a) The Commission shall automatically close a docket in which there has been no activity of record by any interested party or participant for 12 consecutive months, except those dockets in which the Commission has yet to issue a final decision.<sup>3</sup> The added language makes it clear that dockets in which the Commission is expected to issue a decision will not be closed, even if more than twelve consecutive months have passed since the last activity occurred. Because the Commission is best suited to know when a final order is still underway in a proceeding, it would be most beneficial for it to identify such instances when automatic closure would not be appropriate.

The Postal Service finds merit in Commissioner Goldway's suggestion that some form of public notice be issued prior to the automatic closure date. The Postal Service believes that thirty days should be adequate time for the public to be reminded of the impending automatic closure date. The Postal Service proposes adding five more days to the time for filing a motion to stay automatic disclosure in section (b). Giving the public fifteen days, rather than ten days prior to closing, would be more conducive

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<sup>1</sup> See *generally* PRC Docket No. RM2014-5 (petition filed May 2, 2014; final order still pending); PRC Docket Nos. CP2013-75 & MC2013-57 (initial request filed July 26, 2013; final order issued December 23, 2014).

<sup>2</sup> PRC Docket No. C2013-10 (opposition to motion for reconsideration filed March 14, 2014; final order issued May 27, 2015); PRC Docket No. MC2010-24 (reply comments filed June 18, 2010; final order issued December 11, 2012).

<sup>3</sup> A copy of the proposed rule with the Postal Service's suggested changes appears after these narrative comments.

towards achieving finality in docket closure, particularly since §3001.21(b) allows parties to file an answer within seven days after a motion is filed.

Finally, the reference to “the Commission” in sections (b) and (c)<sup>4</sup>, which both list the types of parties who may file motions to stay and to reopen dockets, appears incongruous. Because the Commission does not file motions, under §3001.21, it may be more precise to add a new subsection (d) to highlight the Commission’s ability to keep a docket open, on its own, as well.

The Postal Service appreciates the opportunity to advise the Commission in this rulemaking.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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<sup>4</sup> Due to an apparent typographical error, the proposed rules contained subsections (a), (b) and (d), with no subsection (c). The proposed language appended to these comments resolves this error.

## Part 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation of part 3001 continues to read as follows:

**Authority:** 39 U.S.C. 404(d); 503; 504; 3661.

2. Add new § 3001.44 to read as follows:

### § 3001.44 Automatic Closure of Inactive Docket.

(a) The Commission shall automatically close a docket in which there has been no activity of record by any interested party or participant for 12 consecutive months, except those dockets in which the Commission has yet to issue a final determination.

(b) *Motion to stay automatic closure.* Any interested party or participant, including the Postal Service, or a Public Representative, ~~or the Commission,~~ may file a motion to stay automatic closure, pursuant to § 3001.21, and request that the docket remain open for a specified term not to exceed 12 months. Motions to stay automatic closure must be filed at least 105 days prior to the automatic closure date.

~~(d)~~(c) *Motion to reopen automatically closed docket.* ~~If, a~~At any time after a docket has been automatically closed, any interested party or participant, including the Postal Service, or a Public Representative, ~~or the Commission,~~ may file a motion to reopen an automatically closed docket, pursuant to § 3001.21, and must set forth with particularity, good cause for reopening the docket.

(d) The Commission may, upon its own motion, keep a docket open, past the automatic closure date, by issuing an order in that proceeding no less than 15 days prior to the automatic closure date.